

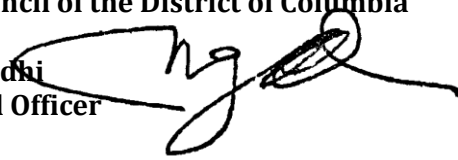
Government of the District of Columbia  
Office of the Chief Financial Officer



**Natwar M. Gandhi**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi   
Chief Financial Officer

**DATE:** June 28, 2013

**SUBJECT:** Fiscal Impact Statement - "Elected Attorney General Implementation Act of 2013"

**REFERENCE:** Bill 20-134 - Committee Print provided to the Office of Revenue Analysis on June 24, 2013

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*This revised fiscal impact statement reflects the changes made to the Committee Print dated June 24, 2013, and replaces the FIS issued on April 4, 2013.*

**Conclusion**

Funds are sufficient in the proposed FY 2014 through FY 2017 budget and financial plan to implement the bill. The bill will increase local fund expenditures by an estimated \$2,351,552 throughout the financial plan period, beginning in FY 2015. This has been incorporated into the proposed budget and financial plan.

**Background**

Currently, the Office of the Attorney General (OAG) is a subordinate agency to the Mayor, responsible for providing legal support to District agencies, advising the Executive, and enforcing the laws of the District.<sup>1</sup> In 2010, District voters ratified a charter amendment to establish an elected and independent Attorney General, separate from the control of the Mayor.<sup>2</sup> An independent Attorney General will be elected in 2014, and he or she will take office in January 2015.

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<sup>1</sup> D.C. Official Code § 1-301.81 and § 1-301.82.

<sup>2</sup> D.C. Law 18-160 was ratified by the electors of the District of Columbia in a general election held on November 2, 2010, certified by the District of Columbia Board of Elections and Ethics on November 29, 2010, and became effective as law on May 30, 2011.

The Honorable Phil Mendelson

FIS: "Elected Attorney General Implementation Act of 2013" Committee Print provided to the Office of Revenue Analysis on June 24, 2013.

The bill creates the Mayor's Office of Legal Counsel (MOLC) to provide legal and policy advice to the Mayor, and supervise outside counsel when the independent Attorney General recuses himself from a legal matter. The bill creates a Director of MOLC and requires that all MOLC staff be residents of the District.

### Financial Plan Impact

Funds are sufficient in the proposed FY 2014 through FY 2017 budget and financial plan to implement the bill. The bill will cost an estimated \$2,351,552 throughout the financial plan period, with costs beginning in FY 2015. This has been incorporated into the proposed budget and financial plan.

The creation of the MOLC to support the Mayor and coordinate agency General Counsels is estimated to cost \$2,351,552 during the financial plan. The Mayor's estimated staffing need for the MOLC is five FTEs: a director, three attorneys, and an administrative assistant.<sup>3</sup> Non-personal services costs for the MOLC include training, supplies, and legal reference fees. It is assumed that the staff can be accommodated in existing District space.

Estimated Cost of Draft bill "Elected Attorney General Implementation Act of 2013" FY 2013 – FY 2017						
		FY 2014	FY 2015 <sup>a</sup>	FY 2016	FY 2017	TOTAL
Estimated Personal Services Costs for the new Mayor's Office of Legal Counsel <sup>b</sup>		\$0	\$743,267	\$765,565	\$773,221	\$2,282,052
Estimated Non-Personal Services Costs for the new Mayor's Office of Legal Counsel <sup>c</sup>		\$0	\$27,750	\$21,750	\$20,000	\$69,500
<b>Total</b>		<b>\$0</b>	<b>\$771,017</b>	<b>\$787,315</b>	<b>\$793,221</b>	<b>\$2,351,552</b>

### Table Notes

<sup>a</sup> Assumes the MOLC would be budgeted for the full FY 2015. This allows for some transition time during the first quarter of FY 2015, before the newly elected Attorney General takes office in January 2015.

<sup>b</sup> Calculation is based on mid-range Excepted Service salaries for the MOLC Director, three Career Service attorneys, and one Career Service assistant.

<sup>c</sup> Calculation is based on estimated supplies and equipment needed to establish the office, legal resource fees (e.g. Lexus/Nexus), and training for MOLC staff.

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<sup>3</sup> This is a reasonable projected staff size, based on a brief review of states with an elected attorney general. The Governor of Delaware, for example, has three employees (a Chief Counsel, a Deputy Counsel and a legal assistant) in its Chief Legal Counsel office. Similarly, Maryland has four employees (two attorneys, one advisor, and one assistant) in the Governor's Office of Legal Counsel.